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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 NICOLE CHRISTINE FOLLOWILL,
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12 Plaintiff,
13 vs.

CASE NO.: 2:21-cv-00283-RFB-BNW

13 CHARLES DANIELS, TERRY DAY,
14 SUSAN GILKERSON, DR. MICHAEL
15 MINEV, HELEN (PETERSON) MUNOZ,
16 GABRIELA NAJERA, ANTHONY
17 SALVAGE,
18 Defendants.

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STIPULATION TO EXTEND DISCOVERY
(First Request)

20 Plaintiff and Defendants through their undersigned counsel of record hereby
21 respectfully submit the following stipulation to extend the discovery deadlines from
22 the Court's Scheduling Order.¹

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I. DISCOVERY COMPLETED

24 No FRCP 26(f) conference was held as Plaintiff was proceeding in proper
25 person. The parties have served disclosures pursuant to FRCP 26, as follows:

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A. Plaintiff's Disclosures:

1. Initial Disclosures: May 30, 2023

¹ ECF No. 41.

1 B. Defendant's Disclosures:

2 1. Initial Disclosures: May 17, 2023

3 No other discovery has been completed.

4 **II. DISCOVERY THAT REMAINS TO BE COMPLETED**

5 1. Written Discovery

6 2. Depositions of the parties

7 3. Depositions of NDOC's FRCP 30(b)(6) witnesses

8 4. Depositions of percipient witnesses

9 5. Expert discovery, including expert disclosures and depositions

10 6. Subpoenas to third parties for records and information

11 **III. REASONS THE REMAINING DISCOVERY WAS NOT COMPLETED**
12 **WITHIN THE TIME LIMITS SET BY THE DISCOVERY PLAN**

13 This is a 42 U.S.C. § 1983 in the Court's Federal Pro Bono Program. Counsel
14 for Plaintiff entered an appearance on May 3, 2023.² After counsel's appearance,
15 Plaintiff was released from NDOC detention on or about June 23, 2023. Plaintiff's
16 counsel has been unable to communicate with Plaintiff since Plaintiff's release to
17 discuss her case.

18 Prior to Plaintiff's counsel's appointment under the Federal Pro Bono
19 Program, Plaintiff in proper person filed a Motion to Stay Case on March 24, 2023.³
20 Defendants filed a Notice of Non-Opposition on March 28, 2023.⁴ Upon information
21 and belief, no decision was entered on Plaintiff's motion.

22 Due to counsel's inability to communicate with Plaintiff and the limited time
23 between counsel's appearance and the impending discovery deadline, the parties
24 have not commenced meaningful discovery.

25 Discovery will require gathering numerous institutional records as well as
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28 ² ECF No. 45

³ ECF No. 43

⁴ ECF No. 44

information regarding the Defendants' personal participation in the events alleged to have violated Plaintiff's constitutional rights, and third-party discovery directed at the Nevada Department of Corrections, the Inspector General's office, and percipient witnesses.

The parties will need sufficient time to obtain, review, and analyze these records, and to take the depositions of several witnesses, including plaintiff, defendants, and ultimately, the parties' expert witnesses.

The parties respectfully submit that this revised discovery plan is an efficient and realistic schedule for completing the significant amount of discovery contemplated in this case.

IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

The parties jointly propose the following discovery plan:

		Current Date	Proposed Date
Discovery Deadline:		September 21, 2023	March 19, 2024
Deadline to Move to Amend Pleadings: ⁵		May 21, 2023	November 17, 2023
Expert Disclosures:			
i.	Initial disclosure: ⁶	N/A	January 19, 2024
ii.	Rebuttal disclosure: ⁷	N/A	February 19, 2024
Dispositive Motions: ⁸		October 21, 2023	April 18, 2024
Joint Pre-Trial Order: ⁹		November 21, 2023	May 20, 2024
Deadline to File Discovery Motions:		October 6, 2023	April 3, 2024

⁵ 90 days before discovery deadline

⁶ 60 days before discovery deadline

⁷ 30 days after initial disclosures

⁸ 30 days after discovery deadline

⁹ 30 days after dispositive motions or 30 days following the entry of the Court's ruling on a dispositive motion

1 The parties anticipate that, pending any unforeseen circumstances outside
2 the parties' control, the above extension of the current discovery deadlines should
3 allow the parties to conduct and complete the outstanding discovery.

4 This first request for an extension of the current discovery deadlines is made
5 by the parties in good faith and not for the purpose of delay.

7 DATED: September 9, 2023.

DATED: September 9, 2023.

9 **THE VIEIRA FIRM**

**OFFICE OF THE ATTORNEY
GENERAL**

10 By: /s/ Andréa L. Vieira
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By: /s/ Victoria C. Corey
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Attorney for Defendants

16 **ORDER**

17 IT IS SO ORDERED.

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19 UNITED STATES MAGISTRATE JUDGE

20 DATE: 9/12/2023